

Notice of Allowability

Application No.

09/955,436

Examiner

Kristin Derwich

Applicant(s)

CHERITON ET AL.

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed 10/11/05.
2. ☒ The allowed claim(s) is/are 1-3,7-11 and 13-19 (claims renumbered as 1-15).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

THOMAS R. PEESO
PRIMARY EXAMINER

DETAILED ACTION

1. Claims 4-6, 12 and 20 are cancelled. Claims 1-3, 7-11 and 13-19 are pending.

Response to Arguments

2. Applicant's arguments, see pg. 9, filed October 11, 2005, with respect to claims 10 and 19 have been fully considered and are persuasive given the example set forth in lines 9-20 of pg. 28 of the specification where the secure database or certificate indicates the corresponding set-top box provides adequate protection defines the scope of adequate protection. The rejection of claims 10 and 19 have been withdrawn.

Claim Objections

3. Claims 13-15 objected to because of the following informalities: Claim 13 depends from cancelled claim 12. Appropriate correction is required.

Allowable Subject Matter

4. Claims 1-3, 7-11 and 13-19 are allowed.
5. The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 8 and 17:

As indicated in the previous office action, Marconcini and Davis fail to disclose a secure digital appliance comprising a digital message encrypted with a first key that includes additional secret keys wherein once the digital message is decrypted with the first key to obtain the

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additional secret keys, then one of the additional secret keys are used in order to decrypt the digital content. Marconcini and Davis also fail to disclose sending an additional second or third message encrypted with a second or third encryption key and containing an additional second or third key to decrypt digital content.

None of the other references cited in the prior action combine to disclose the amended limitations to claims 1, 8 and 17.

An updated search did not uncover any new prior art. Marconcini and Davis are the closest art of record. No art disclosing, nor motivation to combine has been found which recites the previously stated limitations.

All other pending claims are dependent upon allowable claims 1, 8 and 17 and are allowable for that reason.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin Derwich whose telephone number is 571-272-7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KMD

KMD

Kristin Derwich
Examiner
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THOMAS R. PEESO
PRIMARY EXAMINER